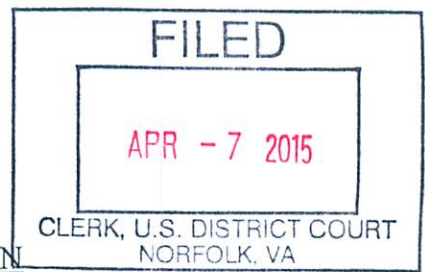


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AFFIDAVIT IN SUPPORT OF APPLICATION
FOR ISSUANCE OF A CRIMINAL COMPLAINT



2:15 mj 220

I, Kristin B. Joseph, being first duly sworn state:

1. I am a Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), currently assigned to the Office of the Assistant Special Agent in Charge (ASAC), Norfolk, Virginia. I have been so employed since August 2005. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography¹ including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256(8)) in all forms of media including computer media.

2. Your affiant has assisted in the investigation of the offenses described in this affidavit. As a result of your affiant's participation in this investigation and a review of reports made by other law enforcement officers, your affiant is familiar with the circumstances of this on-going investigation. I have not included each and every fact known to me in this affidavit, but only the facts I believe are necessary to establish probable cause to believe Chadwick Dale MORTON engaged in the crimes of receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a)(2) and (4)(B).

LEGAL AUTHORITY

3. 18 U.S.C. § 2252(a)(2) provides, in pertinent part, any person who knowingly receives any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, if (A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and (B) such visual depiction is of such conduct, shall be punished.

4. 18 U.S.C. § 2252(a)(4)(B) prohibits a person from knowingly possessing, or knowingly accessing with intent to view, one or more books, magazines, periodicals, films, or other materials which contain visual depictions of minors engaged in sexually explicit conduct that have been mailed, shipped or transported using any means or facility of interstate or foreign

¹ "Child Pornography means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct." For conduct occurring after April 30, 2003, the definition also includes "(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct." 18 U.S.C. § 2256(8).

commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed, shipped or transported, by any means including by computer.

KIK

5. According to the website <http://KIK.com/about>, KIK advertises itself as “the first smartphone messenger with a built-in browser.” KIK Messenger allows its users to “talk to your friends and browse and share any web site with your friends on KIK.” KIK believes it is at the forefront of the “new era of the mobile web.” KIK was founded in 2009 by a group of University of Waterloo students who started a company designed to “shift the center of computing from the PC to the phone.” KIK Messenger, a free service easily downloaded from the Internet, has become the simplest, fastest, most life-like chat experience you can get on a smartphone. Unlike other messengers, KIK usernames - not phone numbers - are the basis for KIK user accounts, so KIK users are in complete control with whom they communicate. In addition, KIK features include more than instant messaging. KIK users can exchange images, videos, sketches, stickers and even more with mobile web pages

PROBABLE CAUSE TO SEARCH THE SUBJECT PREMISES

6. On March 25, 2014, members of Florida local law enforcement, in conjunction with HSI Tampa, Florida and HSI Miami, Florida personnel, located and arrested a subject identified for the purposes of this affidavit and the protection of the larger investigation as Target A pursuant to an arrest warrant issued in the District of Columbia. Post arrest, Target A admitted that he sexually abused his two step-grandchildren, one of whom was an infant, and created visual depictions of the abuse, including images and videos. Target A further admitted that he was the account holder of a KIK Messenger user account, and he used this account to communicate with other KIK users and share child exploitation materials, including the images and videos he produced of his step-grandchildren, as well as images and videos of other minor children engaged in sexually explicit acts. The investigation continued with HSI Tampa agents acting in an undercover capacity using Target A’s KIK account and continued communication with other individuals.

7. The investigation led law enforcement to Target B in Virginia Beach, VA who contacted the HSI Tampa undercover KIK account and requested to trade child pornography. During the chat, Target B sent five images of child pornography, as well as an image of himself. Target B was arrested by HSI Norfolk on December 15, 2014, pursuant to an arrest warrant obtained via a criminal complaint for distribution of child pornography. Also on this date, HSI agents executed a search warrant at Target B’s residence and seized his computer, cell phone, and other related computer media.

8. On December 17, 2014, an HSI Computer Forensic Agent conducted a forensic exam of Target B’s cellular phone which revealed over 100 images and 50 videos of child pornography. Additionally, the exam revealed saved KIK chats in which Target B discussed the sexual exploitation of minors, and sent and received images and/or videos of child pornography with other KIK users. One such KIK user who chatted with Target B was “NAVBIGUY10” utilizing the screen name “Kyle Sutherland.”

9. In the recovered KIK chat, Target B and "Kyle Sutherland" discussed their shared interest in the sexual abuse of minors. Target B also taught "Kyle Sutherland" how to install an anonymous web-browser and explained that it was the best way to search for child pornography.

10. On October 30, 2014, at 12:48:54 AM (UTC), Target B sent "Kyle Sutherland" an image entitled "266e2b92-0104-4151-b9bf-f5c9057f235b" which appeared to be a screenshot of a computer screen which portrayed several images of a prepubescent male approximately 8-10 years old in his underwear and also fully nude exposing his genitals to the camera in a lascivious manner.

11. Target B told "Kyle Sutherland" that this image was a sample of the things he found utilizing the anonymous web-browser he was explaining to "Kyle Sutherland." In response to the image, "Kyle Sutherland" responded "Damn sexy boys" and "Black boys are so hot." Additionally, Target B and "Kyle Sutherland" sent each other provocative images of themselves. Below are excerpts from KIK messages between Target B and "Kyle Sutherland" discussing their sexual interest in minors.

October 29, 2014

TARGET B:	"And I know how to find boy pics and etc"
KYLE SUTHERLAND:	"Oh??"
TARGET B:	"Yes but I'm still learning"
KYLE SUTHERLAND:	"Ok cool"
TARGET B:	"Ever heard of tor browser"
KYLE SUTHERLAND:	"No I haven't"
TARGET B:	"It's deep web"
KYLE SUTHERLAND:	"Ah. You are going to have to show me this"
TARGET B:	"well just google deep web"
TARGET B:	"It's like the internet that's not public"
KYLE SUTHERLAND:	"Ok. I will do that from home"
TARGET B:	"So you can find kid porn to a hit man"
TARGET B:	"And it using happen web addresses"
KYLE SUTHERLAND:	"Wow everything you could need"
TARGET B:	"So I found this boy pic and video form but its hard to use"
TARGET B:	"And there are like boy lover chat rooms"
KYLE SUTHERLAND:	"Oh damn. Perfect for us."

October 30, 2014

TARGET B:	"Ok well I'm glad once you get it working I'll give you the link and stuff"
KYLE SUTHERLAND:	"cool thanks."
TARGET B:	"Your very welcome xoxox"
KYLE SUTHERLAND:	"Looking forward to surfing for boys"

October 31, 2014

KYLE SUTHERLAND: "We getting together tomorrow?"
TARGET B: "Yes we are"
KYLE SUTHERLAND: "Awesome. Still wanna watch that porn?"
TARGET B: "Yes we can watch the porn and finger the kid thing out"
KYLE SUTHERLAND: "God I'd love to finger a kid"
TARGET B: "lol I mean figure out the kid porn stuff"
TARGET B: "and come up with a plan"

TARGET B: "we need a kid"
KYLE SUTHERLAND: "we sure do"
TARGET B: "Yes we need to try to get one"
KYLE SUTHERLAND: "Definitely"
TARGET B: "Yeah I'm going to on look online to see"
KYLE SUTHERLAND: "Ok I hope you have some luck"
TARGET B: "yeah same here"
KYLE SUTHERLAND: "What are u hoping to find?"
TARGET B: "Hopefully like 5 through 13"
KYLE SUTHERLAND: "Sexy"

12. On or about March 10, 2015, an administrative summons was issued to KIK for the user "NAVBIQVY10" using the screen name "Kyle Sutherland." On or about March 13, 2015, KIK responded with the subscriber information and most recent access logs for the user. The response from KIK revealed that the user installed the KIK application on a Samsung cell phone on or about February 07, 2014. The most recent IP access logs provided by KIK were from on or about 02/09/2015-03/13/2015 which revealed that the user accessed the KIK application between these dates from two different IP addresses, 166.170.31.162 and 98.183.196.228. Using a publicly available database to look up the two IP addresses it was determined that 166.170.31.162 was assigned to an AT&T mobile device and 98.183.196.228 was assigned to Cox Communications.

13. On or about March 18, 2015, an administrative summons was issued to Cox Communications to establish subscriber information for the internet account utilizing the IP address 98.183.196.228 between 02/09/2015-03/13/2015.

14. On April 1, 2015 Cox Communications responded with the subscriber information for the account using IP Address 98.183.196.228 between 02/09/2015-03/13/2015. At that time the IP was assigned to the following subscriber:

Chadwick MORTON

Virginia Beach, Virginia

Telephone number 757-

15. On April 1, 2015, your Affiant utilized a law enforcement database to research Chadwick MORTON in Virginia Beach, VA and discovered the following biographical information:

Chadwick Dale MORTON
DOB: xx/xx/1968
SSN: xxx-xx-6005

16. Your Affiant also conducted open source internet research and discovered a Facebook page for Chadwick MORTON which stated that he lived in Virginia Beach, VA. The images depicting Chadwick MORTON on his Facebook page are the same individual pictured in the provocative images sent to Target B by KIK user "NAVBIGUY10" using the screen name "Kyle Sutherland."

17. A criminal history query for Chadwick MORTON revealed that in 2007 he was convicted in the United States Navy Special Court Martial (SCM) for violations of the Uniform Code of Military Justice (UCMJ) Article 92- Failure to obey lawful order or regulation; and Article 134- Conduct was to prejudice of good order and discipline (specification: online enticement of minors for sex). For these offenses he was sentenced to 120 days confinement and a bad conduct discharge from the Navy.

18. Your Affiant obtained reports from the Naval Criminal investigative Service (NCIS) and learned that the investigation leading to the above conviction was initiated pursuant to information from a Federal Bureau of Investigation (FBI) source involving online communication between the source and the screen names "BINAVYBOY" and "RACINGFAN24-2000." The investigation revealed that MORTON, utilizing these screen names online, told the FBI source that his sexual interests include minor males and females and that he was interested in traveling for the purpose of attending parties in which minors would be provided for sexual purposes. The FBI Source introduced MORTON (online) to a Virginia Beach Police Department (VBPD) undercover Detective, in an attempt to elicit interest in traveling to North Carolina to attend parties in which minors would be available for sex.

19. The NCIS and VBPD investigation eventually led to a search warrant being conducted at MORTON's residence and his subsequent interview. On August 13, 2007, following proper rights advisement, MORTON was interviewed by agents and admitted culpability in communicating with the FBI source and the Virginia Beach Police Department (VBPD) undercover Detective regarding his sexual interest in minors, as well as his plans to travel for the purpose of attending parties in which minors would be provided for sexual purposes. MORTON stated to agents that he "was bored" and the communications were untrue. He further indicated that the chats were "fantasy" and that he did not intend on traveling to fulfill his fantasies.

20. An image of Chadwick MORTON from the NCIS and VBPD investigative reports confirmed that the individual portrayed in the images sent to Target B by "Kyle Sutherland" (referenced in paragraph 11) , and on Chadwick MORTON's Facebook page (referenced in paragraph 16) are all of the same person.

21. A query with the Virginia Department of Motor Vehicle indicated that Chadwick MORTON has a valid VA driver's license which is registered to [REDACTED] Virginia Beach, Virginia [REDACTED].

22. Based on the information and evidence set forth above, your affiant respectfully submits that there is probable cause to believe that Chadwick Dale MORTON has committed the following offenses: (a) in or about October 2014, in the Eastern District of Virginia, Chadwick Dale MORTON knowingly received visual depictions of minors engaging in sexually explicit conduct, using a means or facility of interstate or foreign commerce or that has been mailed, shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed, shipped or transported, by any means including by computer, in violation of Title 18, United States Code, Section 2252(a)(2), and (b) in or about October 2014, in Virginia Beach, in the Eastern District of Virginia, Chadwick Dale MORTON knowingly possessed material which contained visual depictions of minors engaged in sexually explicit conduct that have been mailed, shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed, shipped or transported, by any means including by computer, in violation of Title 18, United States Code, Section 2252(a)(4)(B).

23. Accordingly, I request that a warrant be issued authorizing the arrest of Chadwick Dale MORTON.

Kristin B. Joseph
Special Agent
Department of Homeland Security
Homeland Security Investigations
Norfolk, VA

Sworn to before me this _____ day of April, 2015.

United States Magistrate Judge
Eastern District of Virginia